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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,616	11/23/2005	Tommy Kristensen Bysted	939-012101-US (PAR)	1359
2512	7590	07/26/2007		
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER ZEWARI, SAYED T	
			ART UNIT	PAPER NUMBER
			2617	
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			07/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,616	Applicant(s) BYSTED ET AL.	
	Examiner Sayed T. Zewari	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Priority

2. The foreign priority claim filed on 11/23/2005 was not entered because the foreign priority claim was not filed during the time period set forth in 37 CFR 1.55(a)(1). For original applications filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the time period is during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. For applications that have entered national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT. See 37 CFR 1.55(a)(1)(ii). If applicant desires priority under 35 U.S.C. 119(a)-(d), (f) or 365(a) based upon a prior foreign application, applicant must file a petition for an unintentionally delayed priority claim (37 CFR 1.55(c)). The petition must be accompanied by (1) the claim (i.e., the claim required by 35 U.S.C. 119(a)-(d) and (f) and 37 CFR 1.55) for priority to the prior foreign application, unless previously submitted; (2) a surcharge under 37 CFR 1.17(t); and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. The Director may require additional

information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakoda et al. (US 6,088,345).

With respect to claim 12, Sakoda discloses a transmitter for transmitting blocks of digital data (**See Sakoda's figure 1(21, 24, 25), col.4 lines 1-21, lines 53-56, col.6 lines 11 19 where transmitting blocks of digital data is involved with emailing and facsimile**), the transmitter comprising processing means (**See Sakoda's figure 1(16, 22), col.3 lines 46-49, 63-65**) including a memory storing data representing a set of processing manners (**See Sakoda's figure 1(24, 25), col.4 lines 53-65**), said data

Art Unit: 2617

defining a block size and a transmission time therefor for each processing manner (**See Sakoda's col.4 lines 1-37**), wherein the processing means is configured to:

process at least one data flow, the or each data flow being processed according to manners selected from said set of processing manners (**See Sakoda's figure 1 and figure 10, col.3 lines 42-67**); concatenate data from the or each data flow and a code identifying said selected manner or manners to produce a block of concatenated data (**See Sakoda's figure 1 and figure 10, col.3 lines 42-67, col.4 lines 1-37**); interleave said block (**See Sakoda's figure 5, col.8 lines 21-27, figure 6, col.9 lines 13-25**); and transmit said block wherein the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25**).

With respect to claim 21, Sakoda discloses a method of transmitting a block of digital data (**See Sakoda's figure 1(21, 24, 25), col.4 lines 1-21, lines 53-56, col.6 lines 11-19 where transmitting blocks of digital data is involved with emailing and facsimile**), the method comprising: process at least one data flow, the or each data flow being processed according to manners selected from said set of processing manners (**See Sakoda's figure 1 and figure 10, col.3 lines 42-67**); concatenate data from the or each data flow and a code identifying said selected manner or manners to produce a block of concatenated data (**See Sakoda's figure 1 and figure 10, col.3 lines 42-67, col.4 lines 1-37**); interleaving said block such that the first and second data flows and said code are affected (**See Sakoda's figure 5, col.8 lines 21-27, figure 6, col.9 lines**

13-25); and transmitting said block (See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25).

With respect to claim 23, Sakoda discloses a method of transmitting a block of digital data **(See Sakoda's figure 1(21, 24, 25), col.4 lines 1-21, lines 53-56, col.6 lines 11-19 where transmitting blocks of digital data is involved with emailing and facsimile)**, the method comprising: establishing data representing a set of processing manners, said data defining a block size and a transmission time therefor for each processing manner **(See Sakoda's figure 1(24, 25), col.4 lines 53-65, lines 1-37)**, processing at least one data flow, the or each data flow being processed according to manners selected from said set of processing manners **(See Sakoda's figure 1 and figure 10, col.3 lines 42-67)**; concatenating data from the or each data flow and a code identifying said selected manner or manners to produce a block of concatenated data **(See Sakoda's figure 1 and figure 10, col.3 lines 42-67, col.4 lines 1-37)**; interleaving said block **(See Sakoda's figure 5, col.8 lines 21-27, figure 6, col.9 lines 13-25)**; and transmitting said block, wherein the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times **(See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25).**

With respect to claim 30, Sakoda discloses a transmitter for transmitting blocks of digital data **(See Sakoda's figure 1(21, 24, 25), col.4 lines 1-21, lines 53-56, col.6 lines 11-19 where transmitting blocks of digital data is involved with emailing and facsimile)**, the transmitter comprising processing means **(See Sakoda's figure 1 and figure 10, col.3 lines 42-67)** configured to: process first and second data flows in first

and second manners to produce first and second processed data flows (**See Sakoda's figure 1 and figure 10, col.3 lines 42-67**); concatenate data from the first and second processed data flows and a code identifying said manners to produce a block of concatenated data (**See Sakoda's figure 1 and figure 10, col.3 lines 42-67, col.4 lines 1-37**), and interleave said block such that the first and second data flows and said code are affected (**See Sakoda's figure 5, col.8 lines 21-27, figure 6, col.9 lines 13-25**); and transmitting circuitry for transmitting said block (**See Sakoda's figure 1(21), col.4 lines 1-21; col.9 lines 13-25**).

With respect to claim 22, Sakoda discloses a method including establishing data representing a set of processing manners (**See Sakoda's figure 1(24, 25), col.4 lines 53-65**), said data defining a block size and a transmission time therefor for each processing manner, wherein the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25**).

With respect to claim 24 and 13, Sakoda discloses a method wherein said defined transmission times are inherently integer multiples of the transmission time corresponding to said interleaving depth (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25**).

With respect to claim 25, Sakoda discloses a method including receiving a signal defining said set of processing manners (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25**).

With respect to claim 26, Sakoda discloses a method including storing data representing a plurality of processing manners and selecting from said stored data in response to said signal defining said set of processing manners (**See Sakoda's figure 1(24, 25), col.4 lines 53-65**).

With respect to claim 27, Sakoda discloses a method wherein each processing manner includes an inherent interleaving process definition (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25**).

With respect to claim 28, Sakoda discloses a method wherein interleaving according to an interleaving process definition is only performed if the transmission time of the same processing manner is greater than the least of the transmission times of said set (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25**).

With respect to claim 29, Sakoda discloses a method wherein said block is transmitted by radio waves (**See Sakoda's figure 1(21, 13, 11, 12), col. 3 lines 22-41**).

With respect to claim 11, Sakoda discloses a transmitter wherein the processing means includes a memory storing data representing a set of processing manners (**See Sakoda's figure 1(24, 25), col.4 lines 53-65**), said data defining a block size and a transmission time therefor for each processing manner (**See Sakoda's figure 1(24, 25), col.4 lines 53-65**), and the processing means is configured such that the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25**).

With respect to claim 14, Sakoda discloses a transmitter including a receiving means for receiving a signal defining said set of processing manners (**See Sakoda's figure 1(21, 13), col.4 lines 1-21, col.9 lines 13-25).**

With respect to claim 15, Sakoda discloses a transmitter wherein the processing means includes a memory storing data representing a plurality of processing manners (**See Sakoda's figure 1(24, 25), col.4 lines 53-65)** and the processing means is configured for selecting from said stored data in response to said signal defining said set of processing manners (**See Sakoda's figure 1(21, 13), col.4 lines 1-21, col.9 lines 13-25).**

With respect to claim 16, Sakoda discloses a transmitter wherein each processing manner includes an interleaving process definition (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25).**

With respect to claim 17, Sakoda discloses a transmitter wherein the processing means is configured such that the interleaving according to an interleaving process definition is only performed if the transmission time of the same processing manner is greater than the least of the transmission times of said set (**See Sakoda's figure 1(21), col.4 lines 1-21, col.9 lines 13-25).**

With respect to claim 18, Sakoda discloses a transmitter wherein transmitter circuitry comprises radio transmitter circuitry (**See Sakoda's figure 1(21, 13, 11, 12), col. 3 lines 22-41).**

With respect to claim 19, Sakoda discloses a mobile phone (**See Sakoda's figure 1, col.3 lines 22-41).**

With respect to claim 20, Sakoda discloses a base station for a mobile phone network including a transmitter (**See Sakoda's figure 2, col.4 lines 66-67, col.5 lines 1-21**).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sayed T. Zewari

July 18, 2007


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER